



**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Unit Separation for Marijuana Use

**Proposal Address:** 13300 SE 30<sup>th</sup> St.

**Proposal Description:** Land Use review of an Administrative Conditional Use Permit for an existing marijuana producer/processor tenant to expand into an adjacent tenant space and increase the floor area by more than 20 percent.

**File Number:** 17-117713-LA

**Applicant:** Torjan Ronhovde, Ronhovde Architects

**Decisions Included:** Administrative Conditional Use Permit  
(Process II 20.30E)

**Planner:** Reilly Pittman, Planner

**State Environmental Policy Act  
Threshold Determination:** **Exempt**

**Director's Decision:** **Approval with Conditions**  
Michael A. Brennan, Director  
Development Services Department

By: Elizabeth M. Beyer  
Elizabeth Stead, Land Use Director

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Application Date: July 17, 2017  
Notice of Application Date: August 24, 2017  
Decision Publication Date: November 9, 2017  
Appeal Deadline: November 23, 2017

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For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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## **Attachments**

1. Project Plans – Enclosed
2. Application forms – In File

## I. Request and Review Process

### A. Request

The applicant proposes to expand an existing marijuana producer/processor by 1,795 square feet into an adjacent tenant space in the same multi-tenant building.

### B. Review Process

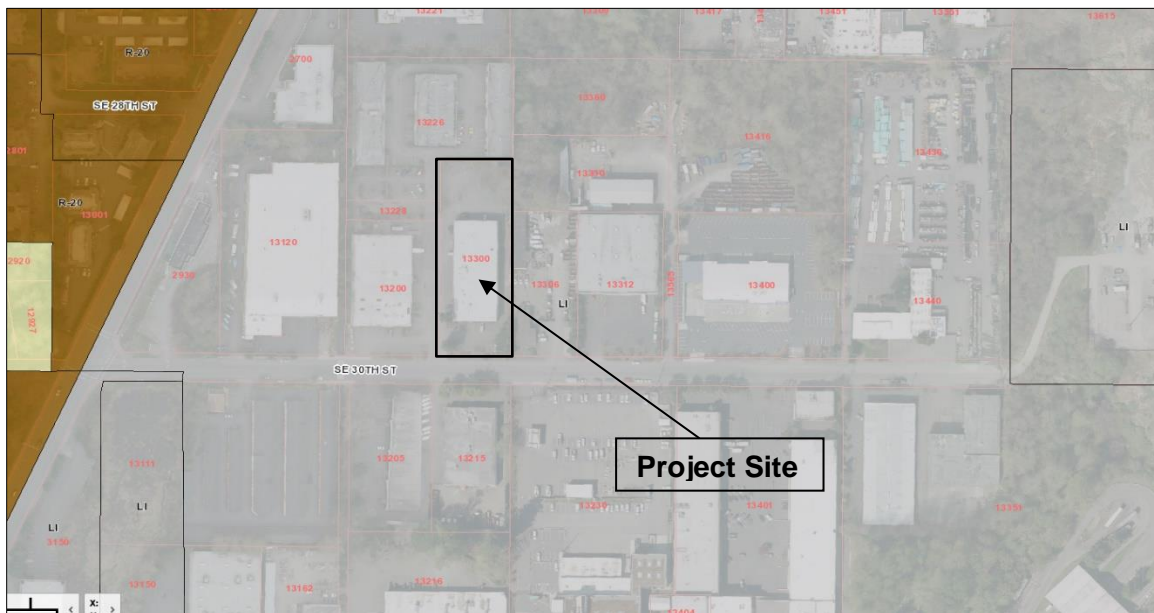
Land Use Code 20.20.535 contains the regulations that govern marijuana uses in the City of Bellevue. Marijuana uses require an Administrative Conditional Use Permit (ACUP) to operate in Bellevue. The subject producer/processor wishes to expand by more than 20 percent of the existing floor area and as a result an Administrative Conditional Use Permit is required per LUC 20.30E.175.

## II. Site Context and Description

### A. Site Context

The site is located in the Richards Valley subarea of the City, along SE 30<sup>th</sup> Street, and east of Richards Road. The property obtains vehicle access from SE 30<sup>th</sup> Street. The site and surrounding properties are zoned LI, Light Industrial and the surrounding uses are a mix of light industrial uses, offices, and storage yards with some service uses provided. See Figure 1 below for a zoning map.

**Figure 1**



### B. Site Description

The site has one industrial warehouse building that contains the existing marijuana use at the rear (north side) of the building. The building houses a mix of uses with parking

surrounding the building. See Figure 2 below for existing site improvements.

**Figure 2**



### **III. Consistency with Development Requirements:**

#### **A. Conformance with LUC 20.20.010 and LUC 20.20.590 – Zoning Dimensional Requirements and Parking**

The proposal does not propose any exterior alterations to the building or site. Conformance with the zoning dimensional requirements for the LI, Light Industrial zone is not triggered. For the purposes of determining required parking, the uses in this building are manufacturing/assembly/warehouse uses which require 1.5 parking stalls per 1,000 net square feet. The site currently provides at least 40 parking stalls. The building is approximately 20,809 square feet and requires 31 stalls. The proposed marijuana



producer expansion does not require additional parking and adequate parking exists on-site based on information provided by the applicant.

**B. Conformance with LUC 20.20.535 – Marijuana Uses**

Conformance with requirements for odor, loading dock screening (if used), signage, and security will be verified as part of the required building permit. Marijuana uses are also required to complete a Hold Harmless Agreement. This use predates this requirement and must record an agreement as part of this approval. The use is subject to the City's noise code, BCC 9.18. **See Conditions of Approval in Section X.**

**IV. Public Notice and Comment**

Application Date:	July 18, 2017
Public Notice (500 feet):	August 24, 2017
Minimum Comment Period:	September 7, 2017

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on August 24, 2017. It was mailed to property owners within 500 feet of the project site and a public notice sign was posted. No comments were received.

**V. Summary of Technical Reviews**

**A. Clearing and Grading**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

**B. Utilities**

The Utilities Department reviewed the proposal and approved the application.

**C. Transportation**

**1. Site Access and Loading**

The proposed Conditional Use permit will expand an existing marijuana manufacturing use. The existing manufacturing use is a single tenant in a 20,809-square foot multi-tenant industrial park building located at 13300 SE 30<sup>th</sup> Street. The existing building currently takes access from one existing driveway connecting to SE 30<sup>th</sup> Street. The driveway is located at the west end of the frontage with SE 30<sup>th</sup> Street and is shared with the building to the west. No change to the access location, internal circulation, or building footprint is currently being proposed.

The loading area is located at the rear of the building on the site. There are no proposed changes to the existing loading dock. The existing access to the site is a sufficient width

to meet current standards and currently all loading occurs onsite. The property owner shall be required to continue to provide and maintain an off-street loading space. Backing on to the public right of way is not allowed. **See Conditions of Approval in Section X.**

## **2. Operational Impacts**

The existing square footage of the manufacturing use is 2,137 square feet. The proposed expansion is 1,984 square feet. The total square footage of the expanded manufacturing will be 4,121 square feet. The trip rate for light industrial/ manufacturing is 0.97 PM peak hour trips per 1,000 square feet of gross floor area. The existing 2,137 square foot generates 2 PM peak hour trips. The expanded manufacturing use will generate a total of 4 trips in the PM peak hour and, therefore, will not trigger concurrency requirements. As this project is a tenant improvement under 11-new PM peak hour trips, there will not be a traffic impact fee.

## **3. Phased Development**

Per BCC 20.30E.140, the administrative conditional use permit has decision criteria, one of which states that the administrative conditional use will be served by adequate public facilities including streets, fire protection, and utilities. While this level of expansion does not require frontage improvements, future proposed expansion of the manufacturing use may trigger the requirement for street frontage improvements to be installed to meet the conditional use decision criteria in proportion with the proposed impacts. The traffic impacts of phased development occurring within a three-year timeframe will be reviewed as one cumulative project. **See Conditions of Approval in Section X.**

## **4. Use of the Right of Way During Construction**

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit. **See Conditions of Approval in Section X.**

## **D. Fire Prevention**

The Fire Department has reviewed the proposal and approved the project. The proposal will require a tenant improvement permit for a new use. **See Conditions of Approval in Section X.**

## **VI. State Environmental Policy Act (SEPA)**

The proposal is exempt from SEPA per WAC 197-11-800(1).

## **VII. Changes to Proposal Due to Staff Review**

Information was requested concerning parking on the site. No other changes to the proposal were requested.

**VIII. Decision Criteria**

**A. 20.30E.140 Administrative Conditional Use Permit - Decision Criteria**

**The Director may approve, or approve with modifications, an application for an Administrative Conditional Use Permit.**

**1. The administrative conditional use is consistent with the Comprehensive Plan.**

**Finding:** The project is consistent with the Comprehensive Plan. The proposal keeps a light industrial use in the Richards Valley subarea (LU-24). The proposal to expand a marijuana producer/processor meets the requirements of the Washington State Liquor and Cannabis Board and State Law.

**2. The design is compatible with and responds to the existed or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity.**

**Finding:** No external change is proposed to the building design as discussed in this report.

**3. The administrative conditional use will be served by adequate public facilities including streets, fire protection and utilities.**

**Finding:** The proposed use does not change existing service levels of public facilities to this property or surrounding properties.

**4. The administrative conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property**

**Finding:** The proposal expands a use that is allowed in the light industrial zone. Marijuana production is legal in the state, and not detrimental to the property or uses in the vicinity as all activity is required to occur in the secured building.

**5. The administrative conditional use complies with the applicable requirements of this code.**

**Finding:** As conditioned, the proposal complies with applicable requirements of the Land Use Code. Refer to section III of this report for further information on Land Use Code consistency.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency and City Code & Standard compliance reviews, the Director does hereby APPROVE WITH CONDITIONS the subject proposal to expand an existing marijuana producer/processor.

**X. Conditions of Approval**

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Utilities – BCC Title 24	Mark Dewey, 425-452-6179
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code – BCC 14.60	Vanessa Humphreys, 425-452-2569
Fire Code – BCC 23.11	Derek Landis, 425-452-4112

The following conditions are imposed under the Bellevue City Code authority referenced:

- 1. Building Permit:** A tenant improvement building permit for a new/change of use is required to be submitted. The use will be subject to current codes.

Authority: Land Use Code 20.30E.140

Reviewer: Reilly Pittman, Development Services Department

- 2. Odor, Loading Screening, Signage, and Security:** Plans approved under the building permit shall be in conformance with LUC 20.20.535. This code requires producers and processors to design their ventilation to address odors, provide screening of loading activity if external to the building, have any signage meet the code limits and have security measures for storage in the building.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

- 3. Hold Harmless Agreement:** Prior to building permit issuance, the applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City of Bellevue, for itself, its agents, officers, elected officials and employees, from any injuries, damages, or liabilities of any kind that result from any arrest or prosecution or seizure of property, or liabilities of any kind that result from any arrest or prosecution for violations of federal or state law relating to operation or siting of a marijuana use. Additionally, within the release document, the permittee of a marijuana use shall indemnify and hold harmless the City of Bellevue and its agents, officers, elected officials, and

employees from any claims, damages, or injuries brought by adjacent property owners or other third parties due to operations at the marijuana use and for any claims brought by any of the marijuana use's members, employees, agents, guests, or invitees for problems, injuries, damages, or liability of any kind that may arise out of the operation of the marijuana use.

Authority: Land Use Code 20.20.535

Reviewer: Reilly Pittman, Development Services Department

- 4. Provisions for Loading:** The property owner shall continue to provide and maintain an off-street loading space which can access a public street. This must include an off-street location for garbage pick-up, which must be acceptable to the garbage hauler. On-street loading and unloading will not be permitted.

Authority: LUC 20.20.590.K.4; BCC 14.60.180

Reviewer: Vanessa Humphreys, 425-452-2569

- 5. Phased Development:** Further expansion of the development project may require construction of street frontage improvements. The traffic impacts of phased development of a single project within a three-year time frame shall be assessed as one cumulative project.

Authority: BCC 14.10.020.B, TSC Director's Rule

Reviewer: Vanessa Humphreys, 425-452-2569

- 6. Right-Of-Way Use Permit:** Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

Authority: BCC 11.70 & 14.30

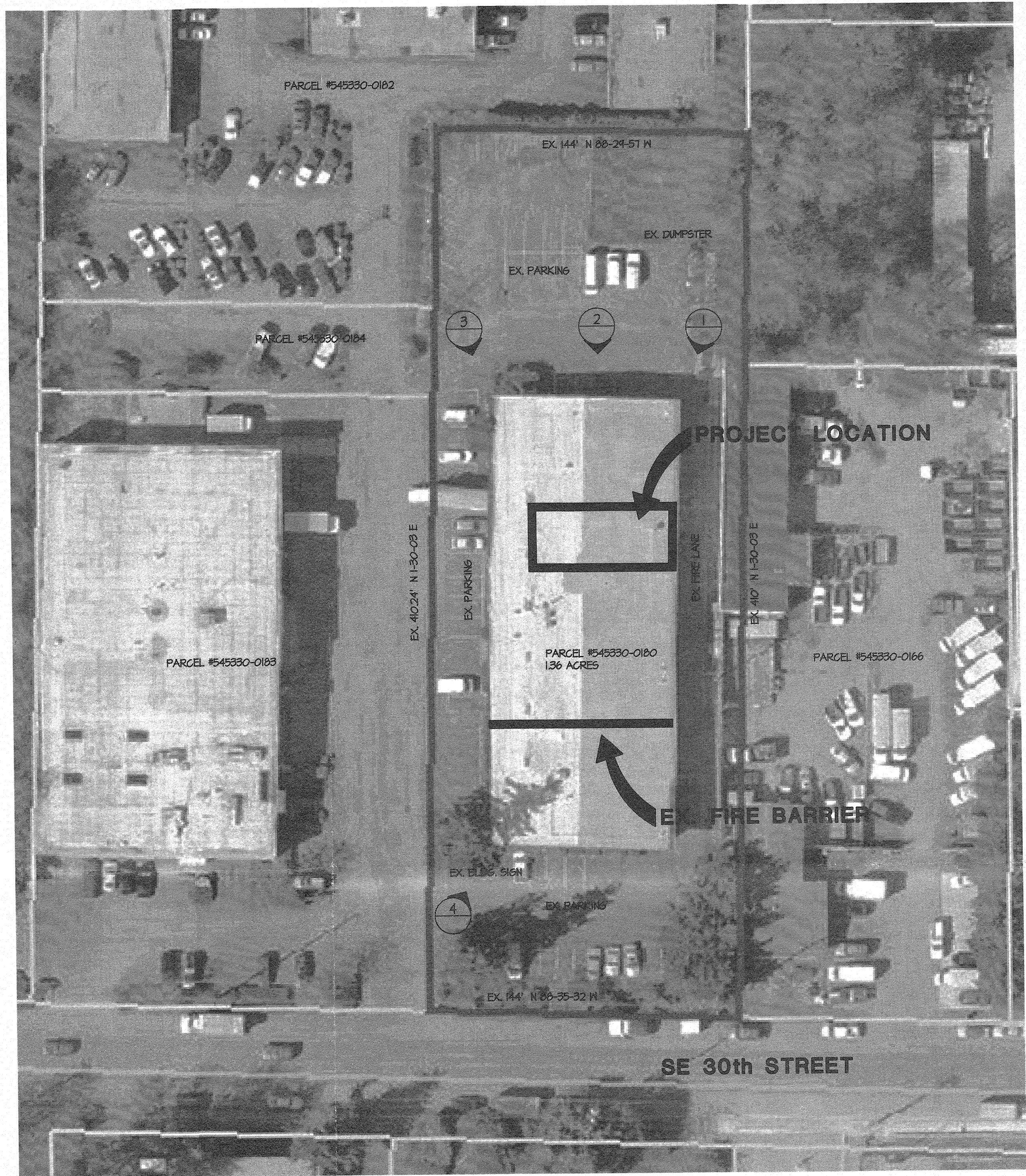
Reviewer: Tim Stever (425) 452-4294

- 7. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department





**SITE PLAN**  
N.T.S.



PHOTO #1



PHOTO #2



PHOTO #3



PHOTO #4

### CONTACT INFORMATION

PROJECT CONTACT PERSON  
TORJAN RONHOVDE, ARCHITECT  
THE RONHOVDE ARCHITECTS, LLC  
14900 INTERURBAN AVENUE SOUTH, #138  
TUKWILA, WA 98168  
(206) 854-5500 (PH)  
(206) 854-5501 (FAX)  
TENANT  
UNIT SEPARATION  
C/O BRENDON WEINMANN  
13300 SE 30TH STREET, SUITE #100  
BELLEVUE, WA 98005  
BUILDING OWNER  
BRIAN JOHNSON  
7851 56TH PLACE NE  
SEATTLE, WA 98115

### INDEX OF DRAWINGS

CS COVER SHEET, SITE PLAN, NOTES  
A0.1 CODE REVIEW AND FLOOR PLAN  
A4.1 EXTERIOR ELEVATIONS (EXISTING)

### ACCESSIBILITY COMPLIANCE NOTES

1) ALL EXISTING ROUTES OF TRAVEL TO & FROM THE BLDG ARE HANDICAP ACCESSIBLE TO H/C PARKING & PUBLIC RIGHT OF WAY. NO SITE CHANGES ARE PROPOSED.

### ENERGY CODE NOTES

1) NO CHANGES TO EXISTING SHELL - EXTERIOR ENVELOPE PER SHELL PERMIT.  
2) ALL INTERIOR SPACE LIGHTING EXISTING - NO CHANGES. GROW LIGHTING IS EXEMPT PER WSEC C405.1 EXEMPTION 6.  
3) EXTERIOR LIGHTING EXISTING - NO CHANGES

### BUSINESS PROCESS

CULTIVATING CANNABIS FOR THE SOLE PURPOSE OF PRODUCING DRY HERBAL FLOWERS FOR PROCESSING AND SALE. PROCESSING WILL CONSIST OF PACKAGING DRY CANNABIS FLOWERS FOR DISTRIBUTION TO RETAILERS FOR SALE. NO SALES WILL TAKE PLACE AT THIS FACILITY. CANNABIS PRODUCTS WILL BE STORED IN A QUARANTINE LOCKER UNTIL SOLD TO A RETAILER. NO EXTRACTION PROCESS IS PROPOSED INCLUDING CO2 EXTRACTION, OR CHEMICAL OR SOLVENT BASED EXTRACTION PROCESS.

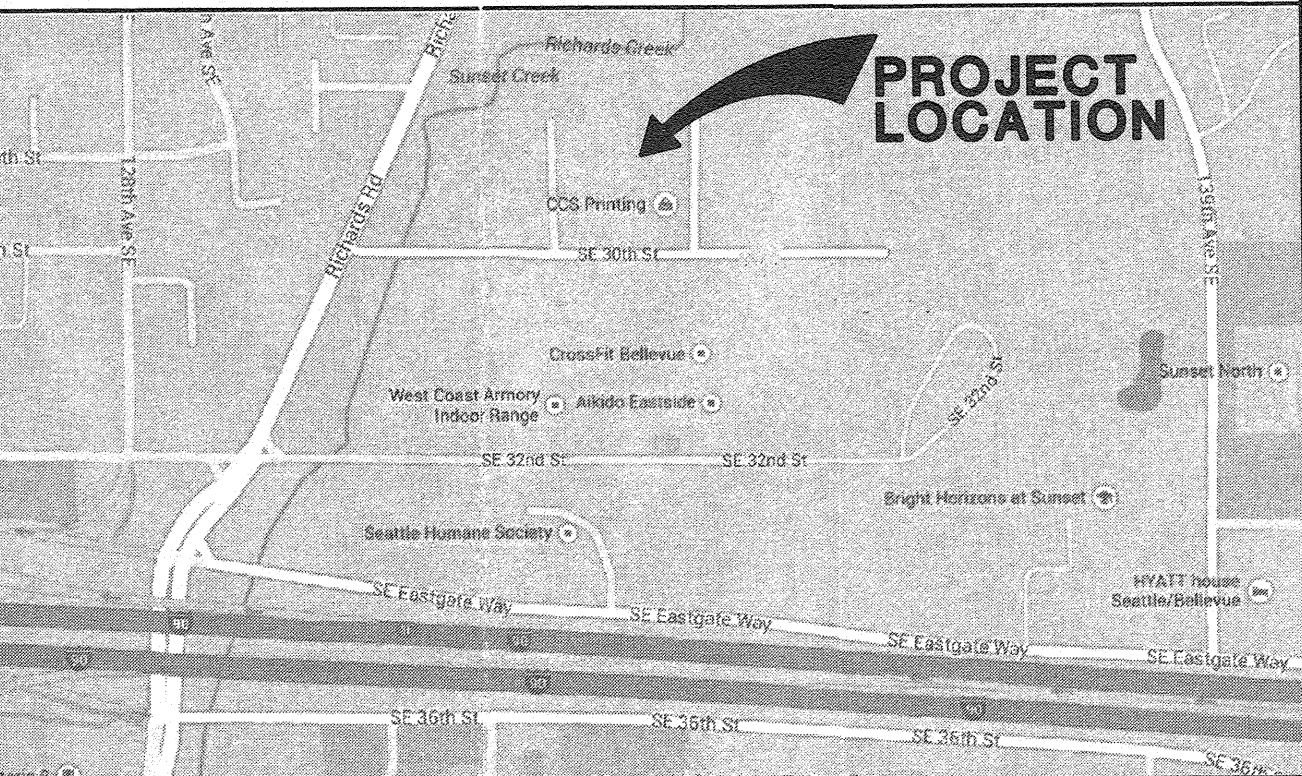
### PROJECT INFORMATION

PARCEL NUMBER: 545330-0180  
PROJECT ADDRESS: 13300 SE 30TH ST  
BELLEVUE WA 98005  
ZONE: LI, LIGHT INDUSTRIAL  
ADMINISTRATIVE CUP DESCRIPTION: THE PURPOSE OF THIS ACUP IS TO CONVERT EXISTING S-I STORAGE AREA INTO EXPANSION OF EXISTING F-I MARIJUANA PROCESSING AND GROW AREA AS REQUIRED BY BELLEVUE MUNICIPAL CODE SECTION 20.20.535.  
THERE IS NO MODIFICATION PROPOSED TO THE SITE, BUILDING SHELL, OR BUILDING SIGNAGE. NO NEW SIGNAGE IS PROPOSED. THERE ARE NO VISIBLE CHANGES TO THE BUILDING FROM THE EXTERIOR.  
TYPE OF BUSINESS: EXPANSION OF EXISTING INDOOR MARIJUANA PROCESSING AND GROWING FACILITY  
BUSINESS NAME: UNIT SEPARATION  
OCCUPANCY CLASSIFICATION: F-1 (INDOOR AGRICULTURE/PROCESSING)  
CHANGE OF USE: NO. CURRENT B AND S OCCUPANCIES MAY BE CHANGED TO F-1 BECAUSE NON-SEPARATED USES ALLOWED PER TABLE 508.4 FOR B, F-1, M AND S-I OCCUPANCIES. WORST CASE OCCUPANCY (F-1) USED TO CALCULATE ALLOWABLE BUILDING AREA PER APPLICATION #14-133045 BM  
3 HOUR FIRE BARRIER ADDED TO LIMIT THE FIRE AREA OF F-1 OCCUPANCY TO 12,000 SF ON THE MAIN FLOOR AND 24,000 SF TOTAL PER IBC 903.2.4.1 903.2.4.3. PER PERMIT 16-133410 BZ  
TYPE OF CONSTRUCTION: 3B - NON-SPRINKLED  
EXISTING BUILDING AREA: 16,000 SF MAIN FLOOR (12,000 + 4,000 SF)  
4,801 SF MEZZANINE  
TOTAL BUILDING AREA: 20,801 SF  
TENANT AREA OF WORK: 1,745 SF APPROX.  
NUMBER OF STORIES: 1 + MEZZANINE (EXISTING)  
OCCUPANT LOAD PER 1004.1.2: WORST CASE OFFICE SPACE (1:100) = 208 OCC. (ENTIRE BUILDING)  
USE SEPARATION: NONE REQ'D. B, F-1, M, S-I OCCUPANCIES PER TABLE 508.4  
EXISTING PARKING: 54 STALLS INCLUDING 3 ADA STALLS  
FIRE ALARM: MANUAL FIRE ALARM (EXISTING)  
GOVERNING CODES: 2015 IBC, IMC, UPC, IFC,  
2015 WASHINGTON STATE ENERGY CODE  
2009 ANSI A117.1-2009  
(ALL AS AMENDED BY CITY OF KENT AND THE STATE OF WASHINGTON)

### LEGAL DESCRIPTION

MERCER SLOUGH GARDEN TRS PARCEL. A BELLEVUE SP 78-46 REV REC NO 781141367 5D PLAT DAF - TR 20 T6W VAC ST ADJ LESS CITY OF BELLEVUE R/M

### VICINITY MAP



THE  
RONHOVDE  
ARCHITECTS  
LLC

14900 INTERURBAN AVE SOUTH  
SUITE 138

TUKWILA, WASHINGTON 98168  
(206) 854-5500 ■ FAX (206) 854-5501  
ronhovdearchitects.com

REGISTERED ARCHITECT  
TORJAN RONHOVDE  
STATE OF WASHINGTON

UNIT SEPARATION  
ADMINISTRATIVE CONDITIONAL USE PERMIT  
13300 SE 30th ST, UNIT 102  
BELLEVUE, WA 98005

PROJECT:

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2		
1	T-IT-IT	Admin, Conditional Use Submittal
NO.	DATE	DESCRIPTION

### REVISIONS

### SHEET CONTENTS:

SITE PLAN  
PROJECT NOTES  
LEGAL DESCRIPTION

Received

11/11 11 8 2017

JOB NO.: 2014.266  
DRAWN BY: DCF  
CHECKED BY: TJR  
DATE: 7-14-17

SHEET NO. Permit Processing

CS



